

From: John Bryan
To: Microsoft ATR
Date: 1/23/02 1:17pm
Subject: Microsoft Settlement

Under the Tunney Act, I need to comment on the proposed Microsoft 'settlement'.

I am writing as an individual consumer, who is greatly concerned about the current and future state of the technology industry in the United States and how it can hinder or elevate the well being of everyone around the world.

That Microsoft was found to be so egregiously, blatantly anti-competitive over many years, to be brought before anti-trust charges twice now, and this most recent trial so clearly demonstrating the need for genuine significant action to be taken to stop Microsoft's continued anti-competitive practices, for which an en banc Appeals Court agreed with the Findings of Fact, and then to have this Casper Milktoast of a 'settlement' at the hands of a new Executive administration, and concomittant head of Department of Justice, is itself a crime against the citizens of the United States of American, present and future.

How dare you!? How could you!? I can tell you I am voting anything but Republican until this is rightly resolved. And I am an old Reaganite!!

This sham of a settlement is a disgrace to the justice system at the highest level, and demonstrates that corporate power carries more weight with those that serve this country as civil servants, than the true interests of the people. I am outraged.

I most emphatically agree with the problems identified in Mr. Dan Kegel's analysis (on the Web at <http://www.kegel.com/remedy/remedy2.html>), summarized here:

- ? The Proposed Final Judgement doesn't take into account Windows-compatible competing operating systems
- ? The Proposed Final Judgement Contains Misleading and Overly Narrow Definitions and Provisions
- ? The Proposed Final Judgement Fails to Prohibit Anticompetitive License Terms currently used by Microsoft
- ? The Proposed Final Judgement Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft
- ? The Proposed Final Judgement Fails to Prohibit Anticompetitive Practices Towards OEMs
- ? The Proposed Final Judgement as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that

the Proposed Final Judgment as written ALLOWS AND ENCOURAGES SIGNIFICANT ANTICOMPETITIVE PRACTICES TO CONTINUE, would delay the emergence of competing Windows-compatible operating systems, and is therefore NOT IN THE PUBLIC INTEREST. It should NOT be adopted without SUBSTANTIAL REVISION to address these problems.

With all Earnestness, Urgency, and Sincerity,

John Bryan
johnb@austin.rr.com
Austin, Texas USA